

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

STAVROULAS PISTIOLAS,

No. CIV. S-03-1755-MCE-PAN

Plaintiff,

V.

## ORDER

JO ANNE B. BARNHART,  
Commissioner of Social  
Security,

Defendant.

This matter is before the court on plaintiff's motion for judgment and defendant's cross-motion for judgment. These motions were referred to the Honorable Peter A. Nowinski, United States Magistrate Judge, pursuant to 28 U.S.C. §§ 636, et seq., and Local Rule 72-302. On May 12, 2005, Judge Nowinski filed findings and recommendation which were served on all parties and objections were to be filed within ten days after service. Neither party has filed objections to the findings and recommendation.

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1 The court has reviewed the file and finds the findings  
2 and recommendation to be supported by the record and by the  
3 magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED  
4 that:

5           1. The Findings and Recommendation filed May 12, 2005, are  
6 adopted in full; and

7       2. The decision denying benefits is reversed and remanded for  
8 further proceedings.

9 || DATE: June 7, 2005

  
Morrison C. England, Jr.  
UNITED STATES DISTRICT JUDGE